

**UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

GUANGHUA ZHU	:	
10440 Deerwood Road	:	COURT OF COMMON PLEAS
Houston, TX 77042	:	PHILADELPHIA COUNTY
v.	:	FEBRUARY TERM, 2021
	:	NO. 01109
RAISER, LLC	:	
c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
Harrisburg, PA 17101	:	
and	:	USDC - CIVIL ACTION
UBER TECHNOLOGIES, INC.	:	NO.: <u>21-CV-1131</u>
c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
Harrisburg, PA 17101	:	
and	:	
ISAM ELBAROUKI	:	
1230 Fitzgerald Street	:	
Philadelphia, PA 19148	:	

**NOTICE OF REMOVAL**

TO THE CLERK OF COURTS:

Defendants, Rasier, LLC (incorrectly identified as “Raiser, LLC”) and Uber Technologies, Inc., (“Moving Defendants”) by and through their undersigned counsel, Vaughan Baio & Partners, hereby file this Notice of Removal pursuant to 28 U.S.C. § 1446(a), averring as follows:

1. On February 11, 2021, Plaintiff, Guanghua Zhu, filed a Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania which was docketed as February Term, 2021, Civil Action No. 01109 (“State Court Action”) against Moving Defendants and Isam Elbarouki. *A true and correct copy of Plaintiff’s Complaint is attached hereto as Exhibit “A.”*
  
2. Plaintiff seeks damages for injuries allegedly sustained as a result of a motor vehicle accident which occurred on or about February 12, 2019, at or near mile marker 3.9 of Interstate 295 in Middletown, Pennsylvania. *See Exhibit “A” at ¶ 5.*

3. Plaintiff alleges that as a result of the subject accident she sustained “severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of her body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused her great physical pain and mental anguish, with respect to the following, including but not limited to: fracture of lower end of right radius, distal radial fracture of right wrist, right wrist ulnocarpal impaction, impingement syndrome of right shoulder, stiffness of right wrist, stiffness in right shoulder, pain in right shoulder, complex regional pain syndrome of right upper limb, acromioclavicular osteoarthritis of the right shoulder, degenerative changes of the right acromioclavicular joint, trace fluid in the subacromial subdeltoid bursa consistent with minimal bursitis, frozen right shoulder, internal injuries of an unknown nature, severe aches, pains, mental anxiety and anguish, severe shock to her entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent and substantial impairment of Plaintiff’s bodily functioning that substantially impairs Plaintiff’s ability to perform her daily life activities, and the full extent of which is not yet known.” Exhibit “A” at ¶ 10.

4. Plaintiff seeks damages in excess of the state court arbitration limit of fifty thousand dollars. *See Exhibit “A” at “Wherefore Clause”.*

5. Plaintiff alleges she resides at 10440 Deerwood Road, Houston, Texas, 77042. Plaintiff is therefore a citizen of the State of Texas. *See Exhibit “A” at ¶ 1.*

6. Defendant, Rasier, LLC (incorrectly identified as “Raiser, LLC”), is a Delaware limited liability company with a principal place of business in California and is therefore a citizen of the States of Delaware and California.

7. Defendant, Uber Technologies, Inc., is a Delaware corporation with a principal place of business in California and is therefore a citizen of the States of Delaware and California.

8. Defendant, Isam Elbarouki, has not yet been served with process in the State Court Action.

9. Based on the allegations of the Complaint, it is believed and therefore averred that the amount in controversy exceeds the jurisdictional limits for removal of Seventy-Five Thousand Dollars (\$75,000) as required by 28 U.S.C. §1332(a). Specifically, Plaintiff alleges she sustained severe, permanent and disabling injuries to her right wrist, arm and shoulder as set forth more fully in her Complaint and demands judgment against Defendants in an amount in excess of the State Court limit for arbitration matters of Fifty Thousand Dollars (\$50,000.00).

10. Removal is therefore based upon diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff and Moving Defendants are citizens of different States and the amount in controversy, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000).

11. Pursuant to 28 U.S.C. § 1441(a), venue is proper in the United States District Court for the Eastern District of Pennsylvania for purposes of removal because the pending State Court Action was filed within the District and the Complaint alleges that the incident occurred within the District.

12. This Notice of Removal is timely filed pursuant to 28 U.S.C. Section 1446(b) in that it is being filed within thirty (30) days after service of Plaintiff's Complaint on Moving Defendants.

13. By filing this Notice of Removal, Moving Defendants do not intend to waive their right to petition this Court to enforce any arbitration agreement between them and Plaintiff if Plaintiff does not voluntarily agree to do so.

**WHEREFORE**, based upon the foregoing, Defendants, Rasier, LLC and Uber Technologies, Inc., hereby remove this action from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

**VAUGHAN BAIO & PARTNERS**

By:



Date: March 9, 2021

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Paul J. Nordeman, Esquire  
Attorney for Defendants,  
Rasier, LLC and Uber  
Technologies, Inc.  
Attorney I.D. No.: 317308  
Two Logan Square  
100 N. 18<sup>th</sup> Street, Suite 700  
Philadelphia, PA19103  
T: 215-569-2400 F: 215-665-8300  
[pnordeman@vaughanbaio.com](mailto:pnordeman@vaughanbaio.com)

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing Notice of Removal was electronically filed and served on all counsel of record via the Court's Electronic Filing System and/or on unrepresented party by way of electronic mail or U.S. Mail, postage prepaid on March 9, 2021.

Respectfully submitted,

**VAUGHAN BAIO & PARTNERS**

BY: /s/ Paul J. Nordeman

Paul J. Nordeman, Esquire  
Attorney for Defendants,  
Rasier, LLC and Uber  
Technologies, Inc.  
Attorney I.D. No.: 317308  
Two Logan Square  
100 N. 18<sup>th</sup> Street, Suite 700  
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# **EXHIBIT “A”**

Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)	
<b>FEBRUARY 2021</b>	
Filing Number: 2102022286	
<b>001109</b>	

PLAINTIFF'S NAME GUANGHUA ZHU		DEFENDANT'S NAME UBER TECHNOLOGIES, INC., ALIAS: C/O CT CORPORATION SYSTEM	
PLAINTIFF'S ADDRESS 10440 DEERWOOD ROAD HOUSTON TX 77042		DEFENDANT'S ADDRESS 600 NORTH 2ND STREET SUITE 400 HARRISBURG PA 17101	
PLAINTIFF'S NAME		DEFENDANT'S NAME RAISER, LLC, ALIAS: C/O CT CORPORATION SYSTEM	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 600 NORTH 2ND STREET SUITE 400 HARRISBURG PA 17101	
PLAINTIFF'S NAME		DEFENDANT'S NAME ISAM ELBAROUKI	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1230 FITZGERALD STREET PHILADELPHIA PA 19148	
TOTAL NUMBER OF PLAINTIFFS  1	TOTAL NUMBER OF DEFENDANTS  3	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Other:  	<input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition <input type="checkbox"/> Commerce <input checked="" type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival	
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <b>FILED PRO PROTHY</b> <b>FEB 11 2021</b> <b>G. IMPERATO</b>			IS CASE SUBJECT TO COORDINATION ORDER? YES      NO
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>GUANGHUA ZHU</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY SETH A. BRITTON		ADDRESS COOPER SCHALL & LEVY 2000 MARKET ST SUITE 1400 PHILADELPHIA PA 19103	
PHONE NUMBER (215) 561-3313	FAX NUMBER (215) 246-0693	E-MAIL ADDRESS sbritten@cslattorneys.com	
SUPREME COURT IDENTIFICATION NO. 321513		DATE SUBMITTED Thursday, February 11, 2021, 03:59 pm	
SIGNATURE OF FILING ATTORNEY OR PARTY SETH BRITTON			

**COOPER SCHALL & LEVY**

By: Charles S. Cooper, Esquire  
 Atty. I.D. # 46568  
 By: Seth A. Britten, Esquire  
 Atty. I.D. # 321513  
 2000 Market Street  
 Suite 1400  
 Philadelphia, PA 19103  
(215)561-3313

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Attorneys for Plaintiff   
 Filed and Accepted by the  
 Office of Judicial Records  
 MARCH 9 2021 1:59 PM  
 PHILADELPHIA COUNTY  
 COURT OF COMMON PLEAS  
 100 DEADERICK ST.  
 PHILADELPHIA, PA 19106

**GUANGHUA ZHU** : **COURT OF COMMON PLEAS**  
 10440 Deerwood Road : **PHILADELPHIA COUNTY**  
 Houston, TX 77042 :

**Plaintiff** : **FEBRUARY TERM 2021**

**v.** : **NO.**

**RAISER, LLC** :  
 c/o CT Corporation System :  
 600 North 2<sup>nd</sup> Street, Suite 400 :  
 Harrisburg, PA 17101 :

**UBER TECHNOLOGIES, INC.** :  
 c/o CT Corporation System :  
 600 North 2<sup>nd</sup> Street, Suite 400 :  
 Harrisburg, PA 17101 :

**And** :

**ISAM ELBAROUKI** :  
 1230 Fitzgerald Street :  
 Philadelphia, PA 19148 :

**Defendants** :

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NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint & Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA COUNTY BAR ASSOCIATION  
Lawyer Referral & Information Service  
One Reading Center, 1101 Market Streets  
Philadelphia, Pennsylvania 19107  
(215) 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVAILIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELPHIA  
Servicio De Referencia E Información Legal  
One Reading Center, 1101 Market Streets  
Filadelfia, Pennsylvania 19107  
(215) 238-1701

**COOPER SCHALL & LEVY**

By: Charles S. Cooper, Esquire  
Atty. I.D. # 46568  
By: Seth A. Britten, Esquire  
Atty. I.D. # 321513  
2000 Market Street  
Suite 1400  
Philadelphia, PA 19103  
(215)561-3313

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**Attorneys for Plaintiff**

<b>GUANGHUA ZHU</b>	:	<b>COURT OF COMMON PLEAS</b>
10440 Deerwood Road	:	<b>PHILADELPHIA COUNTY</b>
Houston, TX 77042	:	
	:	<b>FEBRUARY TERM 2021</b>
<b>Plaintiff</b>	:	
v.	:	<b>NO.</b>
	:	
<b>RAISER, LLC</b>	:	
c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
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c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
Harrisburg, PA 17101	:	
	:	
<b>And</b>	:	
	:	
<b>ISAM ELBAROUKI</b>	:	
1230 Fitzgerald Street	:	
Philadelphia, PA 19148	:	
<b>Defendants</b>	:	

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**CIVIL ACTION COMPLAINT**  
**NEGLIGENCE – MOTOR VEHICLE ACCIDENT**

1. Plaintiff, Guanghua Zhu, is an adult individual residing at the above-captioned address.
2. Defendant, Raiser, LLC, is a limited liability company, organized and existing under the laws of the State of Delaware, and doing business under the laws of the

Commonwealth of Pennsylvania, with an address for service of process located at the above captioned address.

3. Defendant, Uber Technologies, LLC (hereinafter referred to at times as "Uber"), is a limited liability company, organized and existing under the laws of the State of Delaware, and doing business under the laws of the Commonwealth of Pennsylvania, with an address for service of process located at the above captioned address.

4. Defendant, Isam Elbarouki, is an adult individual residing at the above-captioned address.

5. On or about February 12, 2019, Plaintiff was a passenger in a vehicle owned and operated by Defendant, Isam Elbarouki, who was operating as an agent and/or work person of Defendants, Raiser LLC and Uber when, while traveling in the left eastbound lane of Interstate 295 at or near mile marker 3.9, Borough of Middletown, County of Bucks, Commonwealth of Pennsylvania, Defendant Elbarouki, who was driving at a speed too fast for the weather conditions, lost control of his vehicle and traveled off the roadway, striking an embankment on his right, which redirected Defendants' vehicle towards a concrete bridge abutment, which Defendants' vehicle violently collided with, resulting in the vehicle flipping onto its roof, and causing severe and permanent injury to Plaintiff, as is set forth more fully at length below.

6. At all relevant times hereto, Defendants acted by and through their agents, work persons, employees and/or servants then and there acting within the course and scope of their authority, duties and/or employment for Defendants.

7. This accident was caused solely from the negligence, carelessness, and/or recklessness of Defendants and was in no manner whatsoever due to any act of negligence on the part of Plaintiff.

**COUNT I – NEGLIGENCE**  
**ZHU v. DEFENDANTS**

8. Plaintiff hereby incorporates Paragraphs 1-7 as if same were set forth at length herein.

9. The negligence, careless, and/or recklessness of Defendants, herein consisted of any and all of the following:

- (a) failure to properly operate said vehicle;
- (b) failure to remain in a single lane;
- (c) failure to apply his breaks sufficiently in time to avoid an accident;
- (d) failure to properly calculate distance of embankment and/or abutment with respect to his vehicle;
- (e) failure to drive at a reasonable speed;
- (f) failure to remain in control of his vehicle;
- (g) failure to use all prudent and necessary care for vehicular travel under the circumstances;  
failure to appreciate the dangerous weather conditions and drive carefully in light of same;  
failure to take reasonable precautions given the dangerous weather conditions;
- (h) violating applicable ordinances and codes for the Commonwealth of Pennsylvania and such other statutes and case law governing the operation of motor vehicles on the streets and highways; and
- (i) such other acts of negligence, carelessness, and/or recklessness as may be adduced through discovery or at trial.

10. Due to all foregoing, Plaintiff suffered severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of her body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused her great physical pain and mental anguish, with respect to the following, including but not limited to: fracture of lower end of right radius, distal radial fracture of right wrist, right wrist ulnocarpal impaction, impingement syndrome of right shoulder, stiffness of right wrist, stiffness in right shoulder, pain in right shoulder, complex regional pain syndrome of right upper limb, acromioclavicular osteoarthritis of the right shoulder, degenerative changes of the right

acromioclavicular joint, trace fluid in the subacromial subdeltoid bursa consistent with minimal bursitis, frozen right shoulder, internal injuries of an unknown nature, severe aches, pains, mental anxiety and anguish, severe shock to her entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent and substantial impairment of Plaintiff's bodily functioning that substantially impairs Plaintiff's ability to perform her daily life activities, and the full extent of which is not yet known.

11. As a further result of the said accident, Plaintiff has suffered severe pain, mental anguish, humiliation, and embarrassment, and she will continue to suffer same for an indefinite period of time in the future.

12. As a further result of the said accident, Plaintiff has and will probably in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary arising from the aforesaid accident and will otherwise incur various expenditures for the injuries she has suffered.

13. Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the aforesaid accident as a result of the injuries she sustained in this accident.

14. As a further result of the said accident, Plaintiff has been unable to attend to her daily chores, duties, and occupations, and she will be unable to do so for an indefinite time in the future, all to her great financial detriment and loss.

15. As a further result of the said accident, Plaintiff has and will suffer severe loss of her earnings and/or impairment of her earning capacity.

**WHEREFORE**, Plaintiff, Guanghua Zhu, demands judgment against Defendants, Raiser LLC, Uber and Isam Elbarouki, for damages, together with interest and cost of suit.

**COOPER SCHALL & LEVY**

*/s/ Seth A. Britten*

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CHARLES S. COOPER, ESQUIRE  
SETH A. BRITTON, ESQUIRE  
Attorneys for Plaintiff

Dated: February 11, 2021

**VERIFICATION**

I hereby verify that I am counsel for the Plaintiff in the within action and that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and that the foregoing Verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

*/s/ Seth A. Britten*

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CHARLES S. COOPER, ESQUIRE  
SETH A. BRITTEN, ESQUIRE  
Attorney for Plaintiff

Dated: February 11, 2021